

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: MARCOLIN=1

In re Application of:) Confirmation No.: 1705
)
Pietro MARCOLIN) Art Unit: 3754
)
Appln. No.: 10/802,057) Examiner: P.F. Brinson
)
Filing Date: March 17, 2004) December 12, 2007
)
For: TUBE FOR CONVEYING FLUIDS)
AND METHOD...)

REPLY: REQUEST FOR RECONSIDERATION

Customer Service Window, Mail Stop: Amendment
Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, 401 Dulany Street
Alexandria, Virginia 22314

Sir:

The Office Action mailed September 13, 2007, and the prior art relied upon therein have been carefully reviewed. The claims in the application remain as claims 1-22, including claims 17-22 which have been withdrawn from consideration. Applicant respectfully submits that the claims define non-obvious subject matter and should be allowed. Accordingly, Applicant respectfully requests favorable reconsideration and allowance.

The drawings have been objected to as not showing the claimed features. Applicant does not understand this objection because, from applicant's view, Fig. 1 clearly shows

both the metallic spiral 8 and the adhesive layer 6. Attached hereto is an annotated sheet in which the numerals 6 and 8 and their lead lines have been darkened.

Withdrawal of the objection is in order and is respectfully requested.

Claims 1-5, 7, 8, 10, 11, 13, 14 and 16 have been rejected as obvious under Section 103 from Mang USP 5,573,039 in view of Vassiliou et al USP 4,145,325 (Vassiliou). This rejection is respectfully traversed.

An important feature of the present invention is the pigmentation of the inner layer 3. In this regard, attention is respectfully invited to the paragraph spanning pages 3 and 4 of applicant's specification which states as follows:

While such materials do have advantageous characteristics, heretofore they have not been considered suitable to obtain multilayer composite tubes, since at present no effective cementing operation can be performed on pigmented elements made of MFA or PFA. A cementing operation is indispensable to allow the adhesion of the outer layers to the inner conduit. [emphasis added]

Thus, Mang basically discloses no more than what is acknowledged prior art, namely a tube for conveying fluids which may indeed be formed with an inner conduit of PFA, **but such inner conduit of or any is not pigmented because it could not have been pigmented and then had an outer layer bonded to**

it. In a sense, the present invention can be considered a next step beyond what is disclosed in Mang.

Stated another way, the prior art does not teach such an inner conduit which is pigmented, because the prior art did not know how achieve a multi-layered tube for conveying fluids wherein the inner conduit is formed of PFA which is pigmented. Stated in yet another way, the prior art does not provide enablement for achieving applicant's claimed subject matter.

The PTO correctly states that Mang does not disclose "that the inner layer is pigmented." Thus, the rejection relies on Vassiliou to make up for this deficiency. But as pointed out above, no one knew how to successfully provide the type of tubing claimed when the inner conduit of PFA is pigmented. Thus, interpreting Vassiliou in the most favorable way to the rejection, the person having ordinary skill in the art would not have been able to provide the claimed structure in a successful way.

However, applicant's position is even stronger, because Vassiliou does not really even suggest pigmenting the inner conduit of Mang. Thus, Vassiliou only discloses a composition adapted for coating articles, and never suggests that any kind of tubing (or any article) can be made using such a pigmented composition.

It is true as pointed out in the rejection that Vassiliou indicates that pigmented fluorocarbon compositions may be utilized in pipes; but, according to the whole paragraph in which that statement appears, it is clear that the composition of Vassiliou can be used only for **top-coating** a pipe, and not as a composition from which the pipe itself can be formed, and particularly not as a structural composition for forming inner layers or other parts of tubes.

Vassiliou discloses that the composition in question, in liquid state, and after application onto a substrate, must then be baked (column 5, lines 20-24) to obtain the Vassiliou coating. There is no indication that any further covering layer can be applied over the permanent coating of Vassiliou, and therefore Vassiliou does not lead the person of ordinary skill in the art to or toward the present invention. Moreover, based on what Vassiliou discloses, there would have been no reason for one of ordinary skill in the art to believe that the Vassiliou permanent coating could be over coated in a satisfactory manner.

As disclosed in the background portion of applicant's specification, it was known to add pigments to layers made of PFA or MFA. However, because the addition of pigments changes the molecular behavior of these materials, it was not known how to apply a further material onto pigmented

PFA or MFA substrates with sufficient strength to be usable in the production in multi-layer tubes. It was the present applicant who solved this problem by the method disclosed in the present application. As noted above, the prior art does not enable the person of ordinary skill in the art to produce applicant's claimed tubing.

Vassiliou does not give any indication about how to apply a further material on top of the coating composition once it has been applied and has been dried and baked to obtain a permanent coating. There is no prior art, insofar as is known, which teaches how this may be successfully accomplished. Certainly Vassiliou does not teach the person of ordinary skill in the art how to apply an over coating onto the Vassiliou permanent coating to make the layers adhere together.

Withdrawal of the rejection is in order and is respectfully requested.

Claims 6, 9, 12 and 15 have been rejected as obvious under Section 103 from Mang in view of Vassiliou and further in view of Fisher et al USP 6,390,141 (Fisher). This rejection is also respectfully traversed.

Fisher does not make up for the deficiencies pointed out above, and indeed has not been cited to do so. Therefore, even if it were obvious to modify Mang by what is taught by

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Fisher, not necessarily admitted by applicant, such a so reconstructed Mang would still not meet the subject matter of the rejected claims which incorporate claim 1.

Withdrawal of the rejection is in order and is respectfully requested.

The prior art documents made of record and not relied upon by the PTO have been noted, along with the implication that such documents are deemed by the PTO to be insufficiently material to warrant their application against any of applicants' claims.

Applicant believes that all issues raised in the Official Action have been addressed above in a manner that should lead to patentability of the present application. Favorable consideration and early formal allowance are respectfully requested.

Respectfully submitted,

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